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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Josephine Amatuucci

v.

Town of Wolfeboro OFFICIALLY, and

Selectmen and Town Manager, INDIVIDUALLY

Case 1:24-cv-00284-SM-TSM

MOTION FOR SUMMARY JUDGMENT

BASED ON EVIDENCE OF DELIBERATE INDIFFERENCE

UNDR 1983

In the case of Andrews v. Fowler, the United States Court of Appeals for the Eighth Circuit (1996) decided a claim of Deliberate Indifference in Police Supervision.

The Plaintiff, Josephine Amatuucci, is highlighting below the circumstances of which the defendants are liable to her for failing to address misconduct with DELIBERATE INDIFFERENCE. The defendant's failure to withhold her" CONSTITUTIONAL PROTECTIONS".

BELOW ARE CASES CONFIRMING CLAIMS OF DELIBERATE INDIFFERENCE

The key issues in the sample cases below, are the court's decisions whether the defendants exhibited"DELIBERATE INDIFFERENCE"... to one's Constitutional Rights through inadequate hiring, and supervision practices, of inadequate TRAINING, SUPERVISING AND INVESTIGATING MISCONDUCT,

(1)..... Case of Monell v. department of Social Services of the City of New York (1978)

This case established that municipalities CAN BE HELD LIABLE under Section 1983 for constitutional violations resulting from official policies or customs.

(2)..... Case of City of Canton v. Harris (1989) Clarified the standard for DELIBERATE INDIFFERENCE in municipal liability, EMPHASIZING the need for a "deliberate conscious choice" to DISREGARD CONSTITUTIONAL RIGHTS.

(3).....Case of Parrish v. Luckie (1992) Provided a framework for assessing whether a city's policies or customs amount to a "PERSISTENT AND WIDESPREAD " pattern of

UNCONSTITUTIONAL CONDUCT.

(4).....Case of *Harris v. City of Pagedale* (1987)-further elaborated on the conditions under which a city may be held laible for POLICE MISCONDUCT.

(5).....Case of *Tolson v. Forrest City Police Department* (1994) ..Discussed individual liability of SUPERVISORS under SECTION 1983. for failure to act on subordinate misconduct.

These prcedents, collectively informs the court's evaluation of whether a Town and its OFFICIAL'S EXHIBITED POLICIES OR CUSTOMSthat were" DELIBERATLY INDIFFERENT".....to my ... CONSTITUTIONAL RIGHTS.

That the evidence before this Court presented by the Plaintiff, will prove that the town of Wolfeboro's failed to take prompt and effective REMEDIAL ACTION over the years, despite being aware of the defendant's inappropriate behavior, by the Plaintiff, which created a genuine issue of material fact warranting a trial as MANDATED under the law. And where the evidence before the Court, of the violation's of the Plaintiff's FEDERAL CIVIL RIGHTS under 42 U.S.C. 1983, MANDATES, this Court to move the Plaintiff's claimsWITHOUT FURTHER DELAY.... to a trial of her peers, for damages as MANDATED under the FEDERAL CONSTITUTIONAL LAW OF THE LAND. Under a claim of DELIBERATE INDIFFERENCE, as allowed under 1983. And without further delay as allowed under the law due to the Plaintiff being a very elderly person, under Due Process and the Sixth and Fourteenth Amendments.

SECTION 1983

42 U.S.C. 1983 - allows individuals to sue STATE government employees and others..... "ACTING UNDER COLOR OF LAW".....for CIVIL RIGHTS VIOLATIONS.

SUMMARY JUDGMENT

A legal decision made by a court without a FULL TRIAL, based on the argument that there are no material facts in dispute and that the moving party is entitled to judgment as a matter of law.

DELIBERATE INDIFFERENCE

A legal standard used to determine when a government official's actions (OR INACTIONS) demonstrate a DISREGARD for one's rights. Where the defendant's failed to address known MISCONDUCT effectively. Where the provision of Deliberate Indifference allows the Plaintiff to sue for the interference of her FEDERAL civil rights, the LAW OF THE LAND, by the defendants. Where she proved multiple deliberate agreement's by the defendant's to deprive the Plaintiff of her Federal constitutional rights, with MASSIVE amounts of samples of exculpatory evidence of DELIBERATE INDIFFERNCE by the defendants, that were filed and which are before the court.

WHEREFORE: As MANDATED under the law of the Federal Constitution, this Court is MANDATED to move this claim WITHOUT FURTHER DELAY to a jury of her peers for damages, for the violation of her FEDERAL CONSTITUTIONAL RIGHTS. Under a claim of DELIBERATE INDIFFERENCE. As allowed under 1983.

Respectfully,

Josephine Amatucci

February 10, 2025

c. Town of Wolfeboro

A handwritten signature in black ink, reading "Josephine Amatucci". The signature is written in a cursive, flowing style with a large initial "J".

FROM: JOSEPHINE AMATORE,
P. O. Box 272
WOLFEBORO FALLS N.H. 03896

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WOLFEBORO, NH 03894
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United States District Court
District of New Hampshire
Office of the Clerk
55 Pleasant St.
Room 110
Concord, N.H. 03301

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